UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,264	08/20/2003	Vadim Bluvshteyn	MSFT125549	7483

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ART UNIT	PAPER NUMBER
2167	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/644,264	BLUVSHTEYN ET AL.
	Examiner	Art Unit	
	Susan F. Rayyan	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 May 2007*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,15,16,18-30,38 and 39* is/are pending in the application.

    4a) Of the above claim(s) *11-13,15,16,18-20,38 and 39* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 21-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 10,

2007 has been entered.

Response to Arguments

2.   Applicant's arguments filed on May 10, 2007 with respect to claims 1-10, 21-30

have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

3.   Claims 11-20, 31-39 are withdrawn.

4.   Claims 14,17,31-37 have been canceled.

5.   Claims 1-10, 21-30 are pending.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims1,5-9,21,25-29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jed McCaleb et al (US 6,751,794) and US Patent 7,127,641

issued to Doug Anderson ("Anderson").

As per claim 1 McCaleb teaches:

computer implemented method of collecting and storing information about the

programs installed on and the services provided by a computer for

subsequent retrieval (column 3, lines 60-65, client database tracks the

installed software of the client system), comprising:

extracting from the computer system information including, but not limited to,

information about the computer operating system, hardware, and processor and storing

the system information in a log file (column 4 lines 20-24, as a client database (log file)

that includes information on software packages on the client system, the operating

systems ... and col.4, lines 31-36 and col.5, lines 11-16, extracting

information such as version information. Customer database storing hardware

information);

extracting from the computer executables information including, but not

limited to, information about executables included in a defined set of folders stored on

the computer and executables associated with services provided by the computer and

storing the executables information in the log file, the executables information including

attributes determined by the executables and extracting from the computer information

regarding the application programs installed on the computer including linked executables and storing the application program information in the log file, the application program information including attributes determined by the application programs including the linked executables (column 7-24, column 6, 50-56, collects information on the applications (executables and linked executables) on the client including the application version information, wherein the version number collected equates to an attribute of an application. The information is stored on the client database which equates to the log file);

deriving a signature for each of the executables based on a subset of the attributes associated with the executable and storing the resultant signatures in the log file (column 7-24, column 6, 50-56, collect information on the applications on the client including the application version information, wherein the version number collected equates to an attribute of an application which equates to a signature of the application (executable). The information is stored on the client database (applicants' log file)).

McCaleb does not explicitly teach a log file in a standardized language. Anderson does teach this limitation (column 7, lines 1-4, as capturing results in an XMLlog file) to efficiently capture execution history information . It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify McCaleb with a XML log file to efficiently capture execution history information (column 7, lines 1-5).

As per claim 21, McCaleb teaches a computer implemented method of collecting and

storing information about the applications installed on and the services provided by a

computer for subsequent retrieval (column 3, lines 60-65, client database tracks the

installed software of the client system);

enumerating executables associated with each application on and each service

provided by the computer that has an associated executable and

for each executable , extracting information about the executable , the information

including a plurality of attributes regarding the executable(column 7-24, column 6, 50-

56, collects information on the applications (executables)on the client including the

application version information, wherein the version number collected equates to

information about the executable);

and deriving a signature for a combined set of attributes including from each of the

executables (column 7-24, column 6, 50-56, collect information on the applications on

the client including the application version information, wherein the version number

collected equates to an attribute of an application which equates to a signature of the

application (executable))

McCaleb does not explicitly teach a log file in a standardized language. Anderson

does teach this limitation (column 7, lines 1-4, as capturing results in an XMLlog file) to

efficiently capture execution history information . It would have been obvious to a

person of ordinary skill in the art at the time of the invention to modify McCaleb with a

XML log file to efficiently capture execution history information (column 7, lines 1-5).

As per claim 5 same as claim arguments above and McCaleb teaches:

wherein extracting application program information comprises accessing an installer

component of the computer (col.4, lines 45 to column 5, lines 10, installer program

equates to the patch checker which sends requests for a self-check to collect

information on pertinent information associated with applications on the client system) .

As per claim 6 same as claim arguments above and McCaleb teaches:

wherein the application program information is stored in connection with the installer

component at col.6, lines 49-57, client database stores application information

installed by the patch checker).

As per claim 7 same as claim arguments above and McCaleb teaches:

wherein extracting the application program information comprises accessing more than

one information source for the information (col.4lines 65 to column 5, line 10, extracting

file version , keyname , filename).

As per claim 8 same as claim arguments above and McCaleb teaches:

further comprising choosing a best source of the more than one information, and

utilizing that best source to provide at least some of the application program information

(column 5, line 28-30, in one embodiment version of each software part is collected).

As per claim 9 same as claim arguments above and McCaleb teaches:

further comprising storing information about the sources other than the best source with

the program application information at col.3, lines 60 through col. 4, line 2, client

database).

Claims 25-29 are rejected under the same rationale as claims 5-9 arguments .

Claims 2-4,22-24, are rejected under 35 U.S.C. 103(a) as being

unpatentable over McCaleb et al (US 6,751,794) and US Patent 7,127,641 issued to

Doug Anderson ("Anderson") as applied to claims 1,21 above and further in view

of Wong et al (US 2003/0090531).

As per claims 2-4 same as claim arguments above and McCaleb teaches storing

signatures ... associated with the executables (column 5, lines 20-23, 33-35, collect

version number (signature) . McCaleb and Anderson does not explicitly teach storing

... in an XML file. Wong does teach this limitation at parg.137 to standardize and

simplify the task of transferring data file from one type of computer system of software

to another. It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify McCaleb and Anderson with signatures ... associated with the

executables to standardize and simplify the task of transferring data file from one type

of computer system of software to another at parg. 136, lines 7-8.

Claims 22-24 are rejected under the same rationale as claim 2-4 arguments.

Claims 10, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over McCaleb et al (US 6,751,794) and US Patent 7,127,641 issued to Doug

Anderson ("Anderson") as applied to claims 1,21 above and further in view of

Kidder et al (US 004/0031030).

As per claims 10,30 same as claim arguments above and McCaleb and Anderson do

not explicitly teach wherein deriving a signature comprises generating a number from

the subset utilizing a cyclic redundancy check. Kidder does teach this limitation to

prevent errors and potential network device crashes due to applications not being

upgraded. It would have been obvious to a person of ordinary skill in the art at the time

of the invention to modify McCaleb with deriving a signature comprises generating a

number from the subset utilizing a cyclic redundancy check to prevent errors and

potential network device crashes due to applications not being upgraded (paragraph

458, lines 4-6).

Contact Information

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-

1675. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SR
8/20/2007

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